

17.03.2021

CRM 10726 of 2020

COURT NO. 28
ITEM NO. 28
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(REJECTED)

In Re:- An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 16.12.2020 in connection with Maidan Police Station Case No. 58 of 2015 dated 20.03.2015 under Sections 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 08 of 2015).

And

In the matter of : **Imteyaz Ahmed**

...Petitioner

Mr. Mrityunjoy Chatterjee, Advocate

Mr. Sk. Toslim Ali, Advocate

...for the Petitioner

Mr. Saswata Gopal Mukherjee, Learned Public Prosecutor

Mr. Sanjay Bardhan, Advocate

Ms. Manisha Sharma, Advocate

...for the State

The petitioner has filed the instant application for bail in connection with Maidan Police Station Case No. 58 of 2015 dated 20.03.2015 under Section 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act.

It is an apparent example of the principles of approbate and reprobate at the behest of the petitioner. A revisional application being CRR 2153 of 2016 was filed before this Court seeking an order for expeditious disposal of the trial and the same was disposed of with specific direction to complete the trial preferably within six months from the date of communication of the order. Subsequent thereto, at least three applications for bail were moved and those were rejected despite being aware of the fact that the petitioner was languishing in jail for nearly five years on that relevant point of time. However, the Court appreciated the length of delay in concluding the trial and repeated orders were passed in this regard.

The present application for bail has been taken out showing that despite such orders having passed, there is no progress in the trial. Our attention is drawn to the report in the form of a letter

where the lackadaisical attitude of the petitioner is evident and eminent therefrom. On the one hand, the petitioner showed his anguish over the delayed disposal of the case on the other hand seeking adjournment before the Sessions Judge. The petitioner cannot be permitted to blow hot and cold and a person should not be allowed to reap the benefit of his own wrong and blame the Court over the delayed disposal of the case. The petitioner who augmented such delay taking frequent adjournment and on some occasions even the lawyer engaged by him does not appear.

We thus do not feel that the petitioner should be treated with any kind of leniency, more particularly, the prayer for bail, because of non-adherence of the time limit indicated in several orders passed by this Court.

Accordingly, the prayer for bail is **rejected**.

The application being **CRM 10726 of 2020** is **dismissed**.

Since the schedule for recording of the evidence has been fixed for today and tomorrow we expect good sense to develop in the petitioner if he is at all interested in early disposal of the case, to appear and participate therein without seeking any further adjournment.

(Harish Tandon, J)

(Tirthankar Ghosh, J)